

and 34-39 are rejected under 35 U.S.C. § 103(a) as being obvious over Liberti et al. in view of Nichth (U.S. Patent No. 5,972,720). These rejections are traversed.

As noted in the present specification, aggregates "form to a certain extent in the protein-gold conjugates according to known techniques. These undersired aggregates frequently occur before addition of the stabilizer... Therefore it has for example been described that IgG preparation should be freed of aggregates by ultracentrifugation before coupling to gold." (see page 4, lines 8-19, of the present specification).

As the present specification further notes, the object of the present invention was to provide conjugates of colloidal particles and biomolecules in a stable form that do not have the disadvantages in the state of the art. (page 5, lines 8-11). Therefore, claims 24, 31 and 34 have been amended to further define the feature that the colloidal particles are used without being previously treated to subdivide the agglomerates, as discussed in Applicants September 10, 2001 Amendment.

It cannot be gathered from the applied references, including Liberti that it might be possible to operate without such treatment. The assumption in the Office Action that adding a detergent would cause the same effect as mechanical disintegration of the agglomerates has no foundation whatsoever. Mechanical disintegration of agglomerates leads to new surfaces being formed which then, of course, can be coated by a detergent. However, a detergent normally cannot form said new surfaces itself.

For these reasons, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 and §103 are respectfully requested.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable

in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not being timely filed, the applicant respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 01-2300.

Respectfully submitted,

Arent Fox Kintner Plotkin & Kahn

A handwritten signature in black ink, appearing to read "Robert K. Carpenter". The signature is fluid and cursive, with a long horizontal stroke at the end.

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MARKED-UP COPY OF AMENDMENTS TO CLAIMS

24. (Amended) A method for stabilizing conjugates composed of colloidal particles and biomolecules, the method comprising:

adding detergent to a solution containing biomolecules, and thereafter

loading colloidal particles with the solution

wherein the colloidal particles are used without being previously treated to subdivide agglomerates.

31. (Amended) A process for producing colloidal particles having biomolecule absorbing surfaces, the process comprising:

adding a detergent to a solution containing biomolecules, and thereafter

contacting colloidal particles with the solution

wherein the colloidal particles are used without being previously treated to subdivide agglomerates.

34. (Amended) A method for stabilizing conjugates composed of colloidal particles and biomolecules, the method consisting essentially of:

adding detergent to a solution containing biomolecules,

loading colloidal particles with the solution, and thereafter

adding an additional stabilizer

wherein the colloidal particles are used without being previously treated to subdivide agglomerates.